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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION
12

13 IN RE: HIGH-TECH EMPLOYEE
14 ANTITRUST LITIGATION

Master Docket No. 11-CV-2509-LHK

15 THIS DOCUMENT RELATES TO:
16 ALL ACTIONS
17
18
19

**EXHIBIT 4 TO DECLARATION OF
CHRISTINA BROWN IN SUPPORT
OF DEFENDANTS' OPPOSITION TO
PLAINTIFFS' SUPPLEMENTAL
MOTION FOR CLASS
CERTIFICATION**

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION
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5 IN RE: HIGH-TECH EMPLOYEE)
6 ANTITRUST LITIGATION) No. 11-CV-2509-LHK
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10 HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY
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13 VIDEOTAPED DEPOSITION OF MICHAEL DEVINE
14 San Francisco, California
15 Wednesday, October 24, 2012
16 Volume I
17
18
19

20 Reported by:
21 ASHLEY SOEVYN
22 CSR No. 12019
23 JOB No. 1545479
24
25 PAGES 1 - 265

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1 A. Again, that's a specific number, but that 16:22:55
2 sounds correct, yeah. 16:22:59

3 Q. Do you have any knowledge, Mr. Devine, of 16:23:04
4 what basis Adobe decided whether to give a raise to 16:23:08
5 a particular employee? 16:23:18

6 A. I sort of believe there were across the 16:23:21
7 board things based on how well the company did. 16:23:23
8 Maybe there were components to it too, I don't 16:23:31
9 know. 16:23:33

10 Q. Do you recall going through a focal 16:23:34
11 review? 16:23:41

12 A. No, I don't know what that is. 16:23:46

13 Q. Do you recall being told that your 16:23:47
14 compensation may be adjusted based on your focal 16:23:54
15 review following your performance appraisal? 16:24:00

16 A. If focal review means just a normal review 16:24:03
17 process where a manager says what they think of your 16:24:06
18 work, and then I vaguely remember you can also write 16:24:10
19 back and comment on that. If that's what the focal 16:24:13
20 review is, I specifically recall that that was tied 16:24:17
21 to raises, but I sort of presume that if there was 16:24:23
22 manager leeway in the raises, that all of those kind 16:24:29
23 of factors would be in it. 16:24:32

24 Q. But you don't know specifically how Adobe 16:24:34
25 determines whether or not salaries would be 16:24:39

1	increased or decreased year to year for a particular	16:24:43
2	employee?	16:24:47
3	A. No.	16:24:47
4	Q. Did you attempt to get any salary increases	16:24:55
5	or raises while you were at Adobe?	16:25:00
6	A. I don't think I did. I don't recall, but	16:25:06
7	would lean toward "no" on that one.	16:25:08
8	Q. Do you recall ever asking Adobe to make a	16:25:11
9	counter offer to an offer you received from a	16:25:13
10	potential employer?	16:25:26
11	A. No.	16:25:34
12	Q. Do you recall any discussions that you had	16:25:35
13	with co-workers about their compensation?	16:25:37
14	A. No.	16:25:39
15	Q. Do you know what other members of your team	16:25:40
16	were making?	16:25:42
17	A. No.	16:25:43
18	Q. Do you know what any other employees at	16:25:44
19	Adobe were making?	16:25:47
20	A. No.	16:25:49
21	Q. Were you aware of any co-workers at Adobe	16:26:09
22	that attempted to negotiate a salary increase?	16:26:13
23	A. No.	16:26:17
24	Q. While at Adobe, you continued to look for	16:26:38
25	jobs?	16:26:43

1 I declare under penalty of perjury under the
2 laws of the State of California that the foregoing
3 is true and correct.

4
5 Executed on _____, 2012,
6 at _____, _____.

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11 _____
12 MICHAEL DEVINE
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1 STATE OF CALIFORNIA) ss:
2 COUNTY OF MARIN)
3

4 I, ASHLEY SOEVYN, CSR No. 12019, do hereby
5 certify:

6 That the foregoing deposition testimony was
7 taken before me at the time and place therein set
8 forth and at which time the witness was administered
9 the oath;

10 That the testimony of the witness and all
11 objections made by counsel at the time of the
12 examination were recorded stenographically by me,
13 and were thereafter transcribed under my direction
14 and supervision, and that the foregoing pages
15 contain a full, true and accurate record of all
16 proceedings and testimony to the best of my skill
17 and ability.

18 I further certify that I am neither counsel for
19 any party to said action, nor am I related to any
20 party to said action, nor am I in any way interested
21 in the outcome thereof.

22 IN THE WITNESS WHEREOF, I have transcribed my
23 name this 31st day of October, 2012.
24

25 _____
ASHLEY SOEVYN, CSR No. 12019